

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

---

CHEETAH OMNI LLC, )  
a Texas Limited Liability Company, )  
                                )  
*Plaintiff,*                 )  
                                )  
vs.                            )  
                                )  
1. SAMSUNG ELECTRONICS      )  
USA, INC., a Delaware Corporation, and    )  
2. MITSUBISHI DIGITAL        )  
ELECTRONICS AMERICA, INC.,        )  
a Delaware Corporation.                )  
  
*Defendants.*                 )

**CIVIL ACTION NO. 6:08cv279**

**JURY TRIAL DEMANDED**

---

**COMPLAINT FOR PATENT INFRINGEMENT  
AND DEMAND FOR JURY TRIAL**

Plaintiff Cheetah Omni L.L.C. ("Cheetah Omni"), by and through its counsel, for its Complaint against Samsung Electronics USA, Inc. ("Samsung") and Mitsubishi Digital Electronics America, Inc. ("Mitsubishi"), alleges as follows:

**I. THE PARTIES**

1. Plaintiff Cheetah Omni is a Texas Limited Liability Company (Filing No. 800108661) that does business in this judicial district and elsewhere.

2. Defendant Samsung is a Delaware Corporation having its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey, 07660. Samsung is qualified to do business in the state of Texas (Filing No. 11028006), and has appointed CT Corporation System, 350 North St. Paul St., Dallas, Texas, 75201, as its agent for service of process.

3. Defendant Mitsubishi is a Delaware Corporation having its principal place of business at 9351 Jeronimo Road, Irvine, California, 92618. Mitsubishi is qualified to do business in the state of Texas (Filing No. 12446306), and has appointed CT Corporation System, 350 North St. Paul St., Dallas, Texas, 75201, as its agent for service of process.

**II. JURISDICTION AND VENUE**

4. The claims pleaded herein arise under the Patent Act, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction for the pleaded claims is conferred upon the Court by 28 U.S.C. § 1338.

6. Plaintiff Cheetah Omni resides in this district. Upon information and belief, defendants Samsung and Mitsubishi (collectively "Defendants"), regularly and continuously engage in substantial sales and other business transactions in the Eastern District of Texas, and have sold infringing products and/or committed infringing acts in this district. Accordingly, venue is proper in this district pursuant to 28 U.S.C. § 1391 and/or 28 U.S.C. § 1400.

### **III. PATENTS-IN-SUIT**

7. On October 3, 2006, U.S. Patent No. 7,116,862 ("the '862 patent"), titled "Apparatus and Method for Providing Gain Equalization," was duly and lawfully issued to inventors Mohammed M. Islam and Amos Kuditcher. A true and correct copy of the '862 patent is attached as Exhibit A.

8. On March 4, 2008, U.S. Patent No. 7,339,714 ("the '714 patent"), titled "Variable Blazed Grating Based Signal Processing" was duly and lawfully issued to inventor Mohammed M. Islam. A true and correct copy of the '714 patent is attached as Exhibit B.

9. Plaintiff Cheetah Omni is the owner by assignment of the '862 and '714 patents.

### **IV. COUNT I - PATENT INFRINGEMENT OF U.S. PATENT NO. 7,116,862**

10. Plaintiff Cheetah Omni reaffirms and realleges the allegations contained in the above paragraphs 1-9.

11. Defendants have infringed and are infringing the '862 patent, either directly, by inducing others to infringe, and/or contributorily, by making, using, offering for sale, selling, and/or importing in the United States certain rear projection DLP televisions.

12. Plaintiff Cheetah Omni has suffered damages as a result of the infringing activities of the defendants, and will continue to suffer such damage as long as those infringing activities continue.

**V. COUNT II - PATENT INFRINGEMENT  
OF U.S. PATENT NO. 7,339,714**

13. Plaintiff Cheetah Omni reaffirms and realleges the allegations contained in the above paragraphs 1-12.

14. Defendants have infringed and are infringing the '714 patent either directly, by inducing others to infringe, and/or contributorily, by making using offering for sale, selling, and/or importing in the United States certain rear projection DLP televisions.

15. Plaintiff Cheetah Omni has suffered damages as a result of the infringing activities of the defendants, and will continue to suffer such damages as long as those infringing activities continue.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Cheetah Omni requests entry of a judgment against defendants granting relief as follows:

- A. Finding defendants liable for infringement of the '862 and '714 patents;
- B. Preliminary and permanent injunctive relief restraining defendants, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert or participation with the defendants who receive actual notice of the order, from further infringement of the '862 and '714 patents;
- C. Awarding plaintiff Cheetah Omni damages adequate to compensate for defendants' infringement, and increasing those damages to three times the amount assessed pursuant to 35 U.S.C. § 284;

- D. Declaring this an exceptional case within the meaning of 35 U.S.C. § 285, and awarding plaintiff Cheetah Omni its reasonable attorney's fees, costs, and disbursements;
- E. Awarding plaintiff Cheetah Omni interest on all damages awarded; and
- F. Granting such other, further and different relief as may be just and equitable on the proofs.

**DEMAND FOR JURY TRIAL**

Plaintiff Cheetah Omni hereby demands a trial by jury for all issues so triable.

Dated: 7/1/2008

Respectfully submitted,

By: T. John Ward  
T. John Ward, Jr. (TX State Bar No. 00794818)  
**WARD & SMITH LAW FIRM**  
111 W. Tyler St.  
Longview, Texas 75601  
Tel: (903) 757-6400 — Fax: (903) 757-2323  
Email: jw@jwfirm.com

Joe Kendall (TX State Bar No. 11260700)  
**PROVOST UMPHREY, L.L.P.**  
490 Park Street, P.O. Box 4905  
Beaumont, Texas 77704  
Tel: (409) 835-6000 — Fax: (409) 838-8888  
Email: jkendall@provostumphrey.com

**Of Counsel:**

Thomas A. Lewry (MI Bar No. P36399)  
Robert C.J. Tuttle (MI Bar No. P25222)  
John S. Le Roy (MI Bar No. P61964)  
**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, Michigan 48075-1238  
Tel: (248) 358-4400 — Fax: (248) 358-3351  
Email: tlewry@brookskushman.com  
rtuttle@brookskushman.com  
jleroy@brookskushman.com